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86528	7590	06/16/2009	EXAMINER	
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			SAFAIPOUR, BOBBAK	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Applicant essentially argues that Hronek fails to teach or suggest “the transmission message includes a non-delivery reason *which is selected from at least two non-delivery reasons*” as recited in independent claims 31 and 38.

The Examiner respectfully disagrees. As shown in the previous Final Rejection dated 02/12/2009, Hronek clearly discloses that when the attempted delivery of the short message has failed because, for instance, the intended user was out of the service area (read as one non-delivery reason), or had his or her communication device turned off (read as a second non-delivery reason), the MSC 603 informs the HLR 602 of the failure. (col. 3, lines 42-49; read as the transmission message includes a non-delivery reason which is selected from at least two non-delivery reasons).

Applicant further argues that Hronek merely "informs the HLR of the failure," without providing any information as to the reason for the delivery failure. This fact is confirmed by Hronek's teaching that the HLR do only one action in response to being informed of the failure.

The Examiner respectfully disagrees. Hronek clearly discloses the claimed language, as discussed above, wherein the transmission message includes a non-delivery reason (col. 3, lines 42-49; read as MSC informs the HLR of the failure) which is selected from at least two non-delivery reasons (col. 3, lines 42-49; read as either out of the service area or device turned off).

If the Applicant intends to differentiate between Hronek and the instant application, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

/Bobbak Safaipoor/

Application/Control Number: 10/511,056  
Art Unit: 2618

Page 3

Examiner, Art Unit 2618

June 12, 2009

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618